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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X CASE #: 07 CV 08695 (HB)

AHMED BASSETT,

PLAINTIFF,

-against-

NOTICE OF MOTION TO AMEND
SUMMONS AND COMPLAINT TO
ADD PARTY DEFENDANTS
(FRCP SECTION 15(a)(2))

THE CITY OF NEW YORK,

DEFENDANT.

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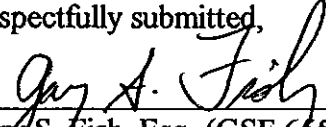
SIR/MADAM:

PLEASE TAKE NOTICE that upon all the proceedings heretofore had herein, including the April 29, 2008 Declaration of Gary S. Fish, Esq., the March 20, 2008 disclosure form of Corporation Counsel, listing Police Officer Kenneth Baker and Sergeant Stremel, the March 31, 2008 letter of Assistant Corporation Counsel Brooke Birnbaum, Esq., the proposed First Amended Complaint, the Federal Rule of Civil Procedure (FRCP) Section 15(a)(2), allowing amendments to be freely given in the interest of justice, and all attachments and exhibits, plaintiff will move the Court, per The Honorable Harold Baer, Jr., Judge, on May 13, 2008, at 930 AM, or as soon thereafter as can be heard, at 500 Pearl Street, Courtroom of Judge Baer, Jr., New York, New York 10007, for an Order granting plaintiff's motion to add as party defendants to the subject lawsuit, Police Officer

Kenneth Baker and Sergeant Stremel, on the ground that the subject lawsuit alleged a continuing wrong perpetrated by The City of New York and/or its agents from the alleged on or about February 5, 2005 false arrest and false imprisonment and/or malicious prosecution up to and including the May 18, 2005 dismissal of the criminal case against Bassett, and therefore an amended Section 1983 claim sounding in false arrest and/or false imprisonment and/or malicious prosecution against foreseeable defendants Kenneth Baker and/or Sergeant Stremel is not barred by the 3 year Statute of Limitations. See generally *Pino v. Ryan*, 49 F. 3d 51, 54 (2nd Cir. 1995).

DATED: NEW YORK, NEW YORK
APRIL 29, 2008

Respectfully submitted,



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